

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION

In the Matter of:)

Opinion requested by)

Assemblyman Willie L. Brown, Jr.)

No. 75-355
July 2, 1975

BY THE COMMISSION: We have been asked the following questions by Assemblyman Willie L. Brown, Jr.:

The Willie Brown Campaign Committee pays for such items as dinners, which Assemblyman Brown attends in his capacity as an Assemblyman, and for transportation to speeches and meetings which are deemed important to the Assemblyman's political career.

(1) Are such payments made on behalf of Assemblyman Brown, or reimbursements to him for such purposes, reportable by him under Government Code Section 84210¹/ if the campaign committee reports making the expenditures?

(2) Are such payments on his behalf or to him gifts or income to him?

CONCLUSION

(1) Payments made in behalf of the candidate or reimbursements to him are not reportable on the candidate's campaign statement when made for bona fide political expenses, if they are reported by his campaign committee.

(2) Such payments are neither income nor gifts within the meaning of Section 87207.

ANALYSIS

(1) A candidate must report all contributions received and expenditures made during the reporting period. Section 84206. If the expenditure is made by the committee on his behalf, there

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All statutory references are to the Government Code unless otherwise noted.

is no need for him to duplicate the report made by the committee. The candidate is required to verify the campaign statement of a committee subject to his control. No purpose of the Political Reform Act would be served by requiring this information to be disclosed by both reports.

(2) The Act requires reporting of political contributions and expenditures under Chapter 4 which regulates campaign disclosure. Personal financial matters are reported under Chapter 7 regulating conflict of interest. These two aspects of the Act should not be duplicative. Funds in possession of the Willie Brown Campaign Committee are derived from campaign contributions. Their receipt and expenditure are reported by the committee, and thus they are not reported by the candidate as his income. The activities described appear to be carried out primarily as part of the Assemblyman's responsibilities as an elected official and a candidate. Accordingly, they are properly treated as campaign expenditures by the committee and not as personal income to him.

An official is required to report income periodically. Section 87207. The statutory definition of income, however, excludes campaign contributions required to be reported under the campaign disclosure sections of the Political Reform Act. Section 82030(b)(1).

If campaign funds were diverted to personal use by an official, then they would no longer be within the exemption for campaign contributions but would be personal, reportable income under Section 87207. Because the nature of the funds would be changed, they would no longer be political receipts and expenditures, but part of the candidate's personal income.^{2/}

Approved by the Commission on July 2, 1975. Concurring Brosnahan, Carpenter, Lowenstein and Miller. Commissioner Waters was absent.


Daniel H. Lowenstein
Chairman

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Our conclusion is in accord with the Franchise Tax Board view with respect to taxable income. See letter to Senator John Stull from the Franchise Tax Board Director, Martin Huff, a copy of which is in the files of the Commission.